

“He doesn’t seem like a lawyer”

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ISB: Rules of Professional Conduct: “Counselor”

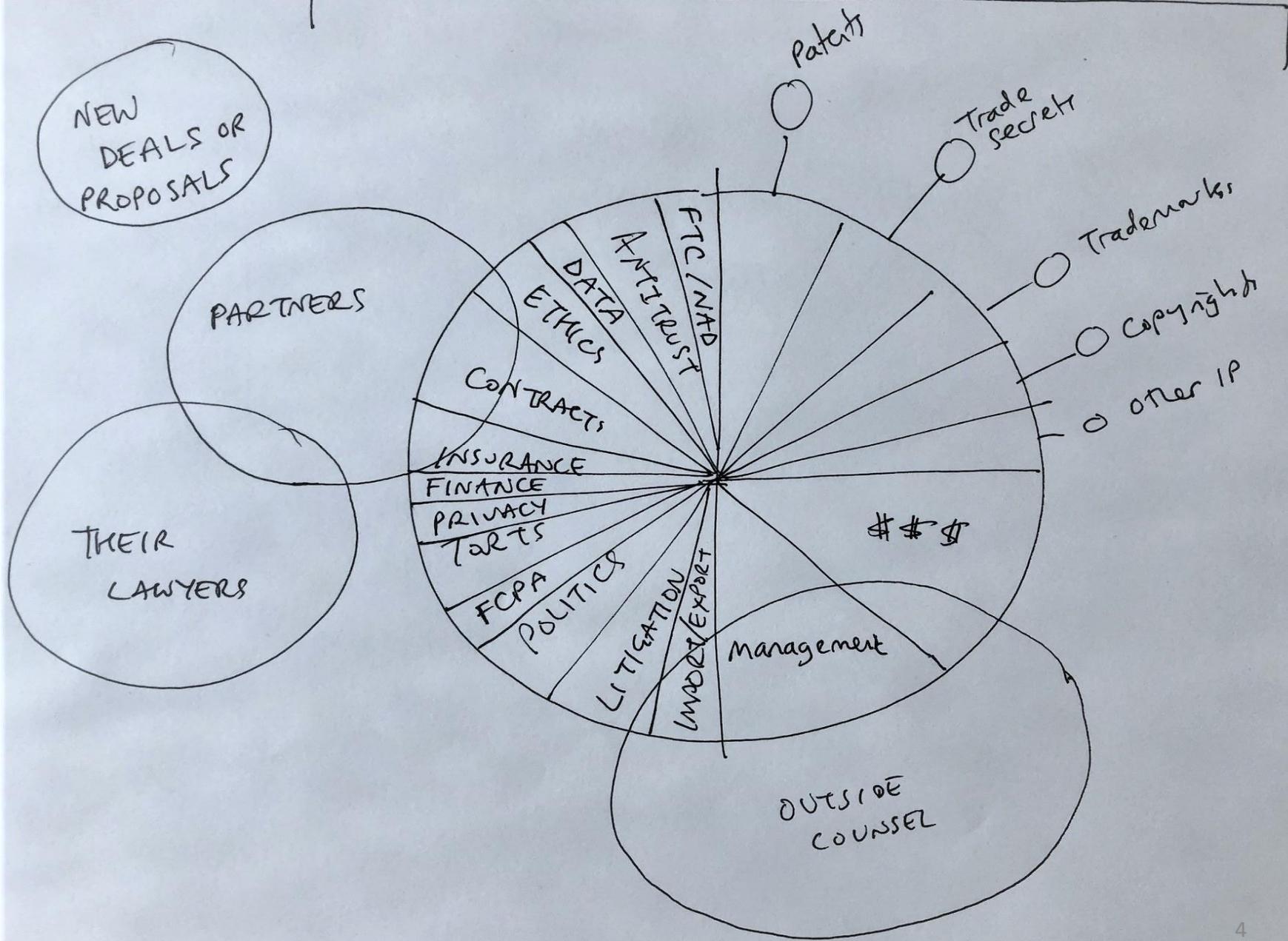
RULE 2.1: ADVISOR

*In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law **but to other considerations** such as moral, economic, social and political factors, that may be relevant to the client's situation.*

A client is entitled to ...

- straightforward advice
- honest assessment
- sustain the client's morale
- candid advice even if unpalatable
- ***purely technical legal advice sometimes inadequate***
- it is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, ***moral and ethical considerations impinge upon most legal questions and may decisively influence how the law will be applied.***

CLIENTS - INTERNAL



“... other considerations ...”

- Moral
 - Of or relating to principles of right and wrong in behavior
- Economic
 - relating to, or based on the production, distribution, and consumption of goods and services
- Social
 - of or relating to human society, the interaction of the individual and the group, or the welfare of human beings as members of society
- Political factors
 - competition between competing interest groups or individuals for power and leadership (as in a government)

Examples: Moral, Economic, Social, Politics

- Crisis – “I wouldn’t lie” vs. “do the right thing”
 - IP situation: patent infringement
- Emotional Negotiations – “We’re leaving...”
 - IP situation: Joint Venture to purchase equity in IP
- Should we do the deal? – “Good point!”
 - IP situation: trademark and know-how protection
- Bioengineering – Media and Foreign Attention
 - IP situation: patented product in unpatented country

Incorporate Your Personality

- Art
 - Paint, Draw, Charcoals
- Reading
 - Everything
- Music
 - Guitar, Piano
- Sports
 - Playoff Hockey – Go Caps!
 - MLB – I keep score
 - Football (British) – Premier League
- Humor
- Self-Awareness
 - How do you come across as a lawyer – as a person?

Client's IP-specific Question

- Answer it

- Any other IP issues or opportunities?
- Any other legal issues?
- Rule 2.1: Advisor contribution?
 - Moral/Ethics, Economics, Social, Politics
- Develop Memory

- In-house Counsel vs. Outside Counsel
- Demonstrates interest and genuine concern
- Engagement beyond the IP Question
- Builds trust and credibility